



## EPA to Modify PFAS Drinking Water Rule & Extend Compliance Deadline May 2025

On May 14, USEPA [announced](#) several actions it plans to carry out to address National Primary Drinking Water Regulations (NPDWR) for certain PFAS, noting its plans to:

- **Defend the PFOA/PFOS drinking water MCLs** at their current 4 ppt level;
- Process a rule this fall to **extend the compliance deadline to 2031** (from 2029);
- **Rescind and reconsider** the NPDWR for **PFNA, PFHxS, GenX and the "Hazard Index" for these three PFAS chemicals plus PFBS** (EPA does not believe SDWA's antibacksliding provision applies because EPA did not follow the correct process in adopting the NPDWRs and Hazard Index); and
- **Establish a "federal exemption framework,"** through which EPA may exempt certain public water systems from the PFOA and PFOS MCLs based upon "compelling factors" (including economic factors) and such exemption would not impose "an unreasonable risk to health."

It appears the Trump EPA's position is that it will defend the Biden EPA's PFOA/PFOS MCLs and may suspect that the Court of Appeals for the D.C. Circuit could remand them due to material defects in their adoption process, cost/benefit estimates, scientific basis, and other defects.

EPA will add two years to the compliance deadline, from 2029 to 2031, allowing public water systems to proceed as they desire – install PFAS barrier technology based on the MCLs – or defer doing so until there is a decision from the Court of Appeals and, likely, further reviews of PFAS science, costs, and funding options.

This approach also keeps the pressure on the remaining PFAS manufacturers to settle the thousands of water system cases that remain pending in the AFFF MDL, which is also good for water systems. Systems that opted out of that litigation also retain a strong regulatory impact (MCLs for PFOA/PFOS at 4 ppt looming in 2031) as they seek to recover their compliance costs from PFAS manufacturers.

EPA can, at any time during the pending appeals, settle with the national water associations by agreeing to withdraw the MCLs and re-evaluate them or to further delay the compliance deadline. EPA is unlikely to reissue the other four PFAS MCLs and hazard index unless it believes the science is strong and the benefits justify the costs.

Finally, keeping the drinking water PFOA/PFOS MCLs (for now) supports the "polluter pay" approach that the federal and State governments have been pushing. They want PFAS manufacturers to continue to pay remediation costs. Removing the MCLs altogether could weaken those efforts.